

III. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 13-17 are pending in the application. Claim 13 is independent. Claim 13 has been amended for clarity, and not for any reason related to a statutory requirement.

Applicants have added new dependent Claims 14-17 to afford themselves a scope of protection commensurate with the disclosure. The new claims are fully supported in the specification, and are believed to be allowable for the reasons to be developed below.

Claim 13 was rejected as being unpatentable over Howe (US 3,540,447), for the reasons discussed at page 3 of the Office Action. Applicants respectfully traverse all art rejections.

The Office Action states that Howe discloses a spinal catheter having a narrow end and a waist at a distance from the narrow end. Also of note, however, Howe discloses that the object of his disclosure is to provide a spinal needle which can be advanced to its final position by a continuous, uninterrupted motion; and to provide a needle that gives a distinct sensation to the doctor when it enters a proper distance into the subarachnoid space of the spinal column. (See Column 1, lines 59-64 of Howe.) Such objects are achieved in Howe by including a needle with a forward

portion 11 designated at "A" in Figure 4 of Howe. The length "A" is set to 0.22 inches -- which is "critical by reason of the fact that a needle having a forward portion of a length greater than 0.22 inches will tend to bend or break at point 17." (See Column 2, lines 45-48) Thus, Howe teaches away from having a forward portion greater than 0.22 inches. By the same token, the entire purpose of the forward portion tapering outward to a rear portion is so that the tapered portion therebetween will cause "increased resistance" to give a "distinct sensation to the hands of the doctor such that he will be aware of the needle's exact position" (See Column 2, lines 45-47).

In contrast, the present invention provides a spinal catheter that is tapered in order to provide a seal of CSF. An embodiment includes a narrow end which gradually widens to a waist that is slightly greater in diameter than a Touhy needle. The narrow end of the catheter is inserted into the puncture, until the waist reaches the opening of the puncture. By so doing, a seal is formed around the exterior of catheter and the puncture, thereby reducing leakage from the puncture. Of particular note, the waist can be about two to about eight inches from the narrow end.

It is thus respectfully submitted that Claim 13, as currently drafted, distinguishes over Howe, which neither discloses or suggests a catheter that provides a **waist that**

provides a seal between an exterior of said catheter and said puncture.

In view of the above, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


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